

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 8894
10/22/18

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15	DISTRICT	
16	SUBCHAPTER A. GENERAL PROVISIONS	
17	<u>Revised Law</u>	
18	Sec. 8894.0001. DEFINITIONS. In this chapter:	
19	(1) "Board" means the district's board of directors.	
20	(2) "Director" means a board member.	
21	(3) "District" means the Hemphill County Underground	
22	Water Conservation District. (Acts 74th Leg., R.S., Ch. 157, Secs.	
23	1(a) (part), 2; New.)	
24	<u>Source Law</u>	
25	Sec. 1. (a) [An underground water conservation	
26	district,] to be known as the Hemphill County	
27	Underground Water Conservation District, [is created]	
28	

1 Sec. 2. In this Act, "district" means the
2 Hemphill County Underground Water Conservation
3 District.

4 Revisor's Note

5 The definitions of "board" and "director" are
6 added to the revised law for drafting convenience and
7 to eliminate frequent, unnecessary repetition of the
8 substance of the definitions.

9 Revised Law

10 Sec. 8894.0002. NATURE OF DISTRICT. The district is a
11 groundwater conservation district in Hemphill County created under
12 and essential to accomplish the purposes of Section 59, Article
13 XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 157, Secs. 1(a)
14 (part), (b).)

15 Source Law

16 Sec. 1. (a) An underground water conservation
17 district, . . . is created in Hemphill County.
18 (b) The district is created under and is
19 essential to accomplish the purposes of Section 59,
20 Article XVI, Texas Constitution.

21 Revisor's Note

22 Section 1(a), Chapter 157, Acts of the 74th
23 Legislature, Regular Session, 1995, refers to the
24 district as an "underground water conservation
25 district." Throughout this chapter, the revised law
26 substitutes "groundwater conservation district" for
27 the quoted language to conform to the term used in
28 Chapter 36, Water Code.

29 Revised Law

30 Sec. 8894.0003. FINDINGS OF PUBLIC USE AND BENEFIT. (a)
31 The district is created to serve a public use and benefit.

32 (b) All land and other property included in the district
33 will benefit from the works and projects accomplished by the
34 district under the powers conferred by Section 59, Article XVI,
35 Texas Constitution. (Acts 74th Leg., R.S., Ch. 157, Sec. 4.)

36 Source Law

37 Sec. 4. All of the land and other property
38 included within the boundaries of the district will be

1 benefited by the works and projects that are to be
2 accomplished by the district under powers conferred by
3 Section 59, Article XVI, Texas Constitution. The
4 district is created to serve a public use and benefit.

5 Revised Law

6 Sec. 8894.0004. DISTRICT TERRITORY. The district's
7 boundaries are coextensive with the boundaries of Hemphill County,
8 unless the district's territory has been modified under:

- 9 (1) Subchapter J or K, Chapter 36, Water Code; or
10 (2) other law. (Acts 74th Leg., R.S., Ch. 157, Sec. 3;
11 New.)

12 Source Law

13 Sec. 3. The boundaries of the district are
14 coextensive with the boundaries of Hemphill County.

15 Revisor's Note

16 Section 3, Chapter 157, Acts of the 74th
17 Legislature, Regular Session, 1995, contains a
18 description of the district's territory. That
19 description may not be accurate on the effective date
20 of the revised law or at the time of a later reading
21 because the district's boundaries are subject to
22 change. For the reader's convenience, the revised law
23 adds references to the authority to change the
24 district's territory under Subchapter J or K, Chapter
25 36, Water Code, applicable to groundwater conservation
26 districts, and to the general authority of the
27 legislature to enact other laws under which the
28 district's territory may change.

29 Revisor's Note
30 (End of Subchapter)

31 Section 5(a), Chapter 157, Acts of the 74th
32 Legislature, Regular Session, 1995, provides that the
33 act prevails over general law in case of a conflict or
34 other inconsistency. The revised law omits the
35 provision because it duplicates in substance Section
36 311.026(b), Government Code (Code Construction Act).
37 The omitted law reads:

1 (a) . . . This Act prevails over any
2 provision of general law that is in conflict
3 or inconsistent with this Act.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Revised Law

6 Sec. 8894.0051. COMPOSITION OF BOARD; TERMS. (a) The
7 district is governed by a board of five directors.

8 (b) Directors serve staggered four-year terms. (Acts 74th
9 Leg., R.S., Ch. 157, Secs. 6(a), (d).)

10 Source Law

11 Sec. 6. (a) The district is governed by a board
12 of five directors.

13 (d) Permanent directors other than initial
14 permanent directors serve staggered four-year terms.

15 Revisor's Note

16 (1) Section 6(d), Chapter 157, Acts of the 74th
17 Legislature, Regular Session, 1995, refers to
18 "[p]ermanent" directors. The revised law omits
19 "permanent" as unnecessary because, as used in the
20 revised law, "director" refers to a permanent
21 director. Section 6(d) also specifies that the
22 section applies to directors "other than initial
23 permanent directors." The revised law omits the
24 quoted language as unnecessary because the terms of
25 the initial permanent directors have expired.

26 (2) Section 6(e), Chapter 157, Acts of the 74th
27 Legislature, Regular Session, 1995, provides that a
28 director must qualify to serve in the manner provided
29 by Section 36.055, Water Code. The revised law omits
30 the provision because Section 36.055, Water Code,
31 applies to the district under Section 8894.0101 of
32 this chapter and Section 36.001(1), Water Code. The
33 omitted law reads:

34 (e) Each director must qualify to
35 serve as director in the manner provided by
36 Section 36.055, Water Code.

37 (3) Section 6(f), Chapter 157, Acts of the 74th

Legislature, Regular Session, 1995, provides that a director serves until a successor has qualified. The revised law omits the provision because it duplicates Section 17, Article XVI, Texas Constitution, which provides that an officer in this state continues to perform the officer's official duties until a successor has qualified. The omitted law reads:

(f) A director serves until the director's successor has qualified.

Revised Law

Sec. 8894.0052. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of each even-numbered year. (Acts 74th Leg., R.S., Ch. 157, Sec. 9; New.)

Source Law

Sec. 9. On the uniform election date in May of each even-numbered year, the district shall hold an election to elect the appropriate number of directors to the board.

SUBCHAPTER C. POWERS AND DUTIES

Revised Law

Sec. 8894.0101. GENERAL POWERS AND DUTIES. Except as otherwise provided by Section 8894.0102, the district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 74th Leg., R.S., Ch. 157, Sec. 5(a) (part).)

Source Law

Sec. 5. (a) The district has all of the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution, except

Revisor's Note

Section 5(b), Chapter 157, Acts of the 74th Legislature, Regular Session, 1995, refers to the

1 continuing right of the state to supervise the
2 district through the Texas Commission on Environmental
3 Quality. The revised law omits the provision because
4 the provision duplicates in substance part of Section
5 12.081, Water Code, which subjects certain districts,
6 including groundwater conservation districts, to the
7 continuing right of supervision of the Texas
8 Commission on Environmental Quality. The omitted law
9 reads:

10 (b) The rights, powers, privileges,
11 functions, and duties of the district are
12 subject to the continuing right of
13 supervision of the state to be exercised by
14 and through the Texas Commission on
15 Environmental Quality.

16 Revised Law

17 Sec. 8894.0102. NO EMINENT DOMAIN POWER. The district may
18 not exercise the power of eminent domain. (Acts 74th Leg., R.S.,
19 Ch. 157, Sec. 5(a) (part).)

20 Source Law

21 (a) . . . the district may not exercise the
22 power of eminent domain for any purpose. . . .

23 Revisor's Note

24 Section 5(a), Chapter 157, Acts of the 74th
25 Legislature, Regular Session, 1995, provides that the
26 district may not "for any purpose" exercise the power
27 of eminent domain. The revised law omits the quoted
28 language because it does not contribute to the clear
29 meaning of the law.

30 Revisor's Note
31 (End of Chapter)

32 Section 6, Chapter 208, Acts of the 85th
33 Legislature, Regular Session, 2017, recites
34 legislative findings regarding procedural
35 requirements for legislation affecting the district
36 under the constitution and other laws and rules,
37 including proper legal notice and the filing of

1 recommendations. The revised law omits the provision
2 as executed. The omitted law reads:

3 Sec. 6. (a) The legal notice of the
4 intention to introduce this Act, setting
5 forth the general substance of this Act, has
6 been published as provided by law, and the
7 notice and a copy of this Act have been
8 furnished to all persons, agencies,
9 officials, or entities to which they are
10 required to be furnished under Section 59,
11 Article XVI, Texas Constitution, and
12 Chapter 313, Government Code.

13 (b) The governor, one of the required
14 recipients, has submitted the notice and
15 Act to the Texas Commission on
16 Environmental Quality.

17 (c) The Texas Commission on
18 Environmental Quality has filed its
19 recommendations relating to this Act with
20 the governor, the lieutenant governor, and
21 the speaker of the house of representatives
22 within the required time.

23 (d) All requirements of the
24 constitution and laws of this state and the
25 rules and procedures of the legislature
26 with respect to the notice, introduction,
27 and passage of this Act are fulfilled and
28 accomplished.